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Convention on the
Rights of the Child

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ORIGINAL: ENGLISH

MEETINGS OF STATES PARTIES
Fourth Meeting
New York, 10 October 1994

REPORT OF THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS FIFTH SESSION

Statement by the Secretariat

1. In paragraphs 1 and 2 of recommendation 1 adopted by the Committee on the Rights of the Child at its fifth session, 1/ the Committee:

(a) Requested the Secretary-General to convene a Meeting of the States Parties to the Convention on the Rights of the Child, in advance of or during the course of the forty-ninth session of the General Assembly, with a view to reviewing, pursuant to paragraph 10 of article 43 of the Convention, the duration of the meetings of the Committee;

(b) Requested the States parties to determine that the number of annual sessions of the Committee as from 1995, as well as the number of sessions of the working group established to conduct a preliminary review of the State party reports and to consider questions relating to technical assistance and international cooperation, should be increased to three.

2. The Committee normally holds two three-week sessions a year at Geneva. A pre-sessional working group also meets at Geneva for one week approximately two to three months in advance of each session. Travel and subsistence expenses are paid in connection with the participation of all 10 members of the Committee at the pre-sessional working groups and annual sessions. Provisions for these expenses have been made under section 21, Human rights, of the programme budget for the biennium 1994-1995 for two regular sessions and pre-sessions annually, amounting to US$ 355,900 for the biennium. In addition, the requirements for the meetings of the Committee and its intersessional working group are met from within the permanent conference-servicing capacity under section 25E of the programme budget.

3. The additional annual session of the Committee would be convened as from 1995 during the spring of each year for a duration of three weeks. Travel and subsistence expenses would have to be paid in respect of the 10 members of the Committee. In order to keep costs to a minimum, the additional meeting of the pre-sessional working group would be held in January of each year immediately following the conclusion of the Committee's regular winter session, thus avoiding the need to provide for additional travel resources.

4. On this basis, the requirements related to the increase in the number of regular sessions of the Committee and meetings of its pre-sessional working group to three are estimated, on a full cost basis, as follows:

	United States dollars
(a) Travel and per diem	99 900
(b) Conference-servicing costs	750 300

5. The estimates for conference servicing are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity under section 25E of the approved programme budget, and that additional resources would be required for temporary assistance for meetings. The extent to which the Organization's permanent capacity needs to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences for the biennium 1994-1995. However, it should be noted that the 1994-1995 level of resources for temporary assistance for meetings was estimated on the basis of experience to accommodate not only meetings known at the time of budget preparation but also meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1994-1995 were consistent with the pattern of meetings in past years. On that basis, it is estimated that no additional resources would be required under section 25E of the programme budget for the biennium 1994-1995.

6. As regards the estimates for travel and per diem, it should be noted that no provision has been made under section 21, Human rights, of the programme budget for the biennium 1994-1995 to cover the requirements of $99,900 related to the holding of an additional meeting of the pre-sessional working group and an additional session of the Committee in 1995. At this stage, it is not anticipated that these requirements could be absorbed within the provision appropriated under that section of the programme budget. Should, therefore, the States parties to the Convention endorse the recommendation of the Committee to increase the number of annual sessions to three, additional requirements of $99,900 would arise under section 21 of the programme budget for the biennium 1994-1995.

7. It will be recalled that under the procedure established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under the same procedure, if additional expenditures are proposed that exceed resources available from the contingency

fund, these activities can be implemented only through redeployment of resources from low priority areas or modification of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium.

8. No activity has been identified for termination, deferral, curtailment or modification under section 21 of the programme budget for the biennium 1994-1995 to accommodate the additional expenditures associated with the holding of an additional session of the Committee. Should it not prove possible to meet the additional costs involved from the contingency fund, the Committee's recommendation regarding the holding of an additional annual session as of 1995, would not be implemented in 1995. However, resources for the implementation of this recommendation as of 1996 would be included in the proposed programme budgets for the biennium 1996-1997 and the following bienniums.

Notes

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41), chap. I, sect. A.3.

Annex

Breakdown of the estimated costs for travel, per diem and conference servicing entailed by recommendation I adopted by the Committee on the Rights of the Child at its fifth session

I. SECTION 21

	1995 (United States dollars)
Per diem of 10 members attending the additional meeting of the pre-sessional working group	12 400
Travel and per diem of 10 members attending the additional annual session	87 500
Total I	99 900

II. SECTION 25E

Conference services costs

(a) Pre-sessional working group	
Meeting services (10 meetings: E,F,S	28 200
Pre-session documentation (200 pages: E,F,S)	105 000
In-session documentation (50 pages: E,F,S)	30 300
Post-session documentation (50 pages: E,F,S)	30 300
General Services requirements	3 400
Subtotal	197 200
(b) Session of the Committee	
Meeting services (30 Meetings: E,F,S A,C,R for 2 meetings only)	100 800

Pre-session documentation (50 pages: E,F,S)	29 500
In-session documentation (100 pages: E,F,S)	58 300
Post-session documentation (50 pages: A,C,E,F,R,S)	56 600
Summary records (30 meetings: E,F,S A,C,R for 2 meetings only)	297 600
General Services requirements	10 300
Subtotal	553 100
Total II	750 300
Grand total I and II	850 200

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LETTER DATED 10 OCTOBER 1994 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I should be grateful if you would circulate the enclosed aide-mémoire dated 10 October 1994 as a document of the 4th meeting of the States parties to the Convention on the Rights of the Child.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

AIDE-MEMOIRE

Since the adoption of resolution 47/1 of 22 September 1992 by the General Assembly, some international organizations and specialized agencies have adopted arbitrary decisions in connection with the participation of the Federal Republic of Yugoslavia in their work.

These decisions are totally unfounded and contrary to the letter and spirit of the above-mentioned resolution of the General Assembly, which pertains solely to the non-participation of the Federal Republic of Yugoslavia in the work of the General Assembly. That was clearly confirmed by the opinion of the United Nations Legal Counsel (A/47/485, annex) that "the resolution neither terminates nor suspends Yugoslavia's membership in the Organization ..." and (it) "does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

According to another opinion of the United Nations Legal Office, dated 16 November 1993, "the status of Yugoslavia as a party to treaties was not affected by the adoption of the General Assembly of resolution 47/1 ...".

For its part, the Federal Republic of Yugoslavia clearly stated that it will continue the state, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia and that it will strictly abide by all international commitments undertaken by the Socialist Federal Republic of Yugoslavia.

The delegation of the Federal Republic of Yugoslavia regularly participates in the meetings of States parties to various international conventions.

At the 4th meeting of the States parties to the Convention on the Rights of the Child, held on 10 October 1994, certain States parties sought to challenge Yugoslavia's right to participate in this meeting.

The Government of the Federal Republic of Yugoslavia strongly considers that such action is totally unfounded and therefore unacceptable for the following reasons:

- It is inconsistent with the provisions of the Convention on the Rights of the Child a/ and the rules of procedure for the meeting of the States parties.

- The status of the Federal Republic of Yugoslavia as a party to that Convention is not in any way affected by General Assembly resolution 47/1.

- The Federal Republic of Yugoslavia has clearly expressed its readiness to fully abide by the commitments arising from the Convention and cooperate with the Committee on the Rights of the Child.

- The delegation of the Federal Republic of Yugoslavia has been officially invited to take part in the meeting of States parties for which it has duly submitted full powers.

The Government of the Federal Republic of Yugoslavia wishes to draw the attention of the States parties to the Convention on the Rights of the Child that such legally unfounded and politically motivated action by certain States parties may set a dangerous precedent with respect to the status of the States parties to the Convention and create serious obstacles in its implementation.

It should be understood that the denial of the legitimate right to the Federal Republic of Yugoslavia to participate in the meeting of the States parties would at the same time imply the suspension of its obligations arising from the Convention. Therefore, it would mean that Yugoslavia will not be obliged any more to implement the provisions of the Convention.

The Convention on the Rights of the Child belongs to a specific category of treaties valid erga omnes with the primary goal to protect human rights. Therefore, the decision not to allow participation of the delegation of the Federal Republic of Yugoslavia in the 4th meeting of the States parties to the Convention on the Rights of the Child is in total contradiction with this noble goal as it discriminates against a State party that has demonstrated readiness and resolve to honour and implement the Convention.

Notes

a/ Resolution 44/25, annex.